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County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 17, 2018

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To: Supervisor Janice Hahn, Chair
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From: Sachi A. Hamai
Chief Executive Officer

MOTION TO SPONSOR LEGISLATION RELATED TO VOTE-BY-MAIL AND SAMPLE BALLOTS (ITEM NO. 3, AGENDA OF DECEMBER 18, 2018)

Item No. 3 on the December 18, 2018 agenda is a motion by Supervisor Hahn which includes the following: 1) direct the Chief Executive Officer (CEO) to add the following policy to the County's 2019-2020 State Legislative Agenda, under Section 3.15 Elections and Voting: Support or Sponsor legislation which seeks to align the mailing dates for Sample Ballots with the mailing dates for Vote-by-Mail (VBM) ballots, and modify other submission deadlines, as needed, that could delay the production of the Sample Ballot (SB) to enhance the timely dissemination of election materials; and 2) direct the CEO and Sacramento Advocates, in coordination with the Registrar-Recorder/County Clerk, to pursue County-sponsored legislation that will address the changes needed in State law to enhance the alignment of the timeframes for Vote-by-Mail Ballot delivery and Sample Ballot mailing.

Approval of this motion is a matter of Board policy determination.

Background

Existing State law specifies that the mailing timeframe for SB is between 40 and 21 days prior to an election. Current law further requires VBM ballots to be mailed by 29 days prior to an election, allowing for an eight-day overlap between the VBM and SB mailing deadlines.

County Impact

Los Angeles County voter turnout during the 2018 Midterm Elections was nearly 60 percent. The Registrar-Recorder/County Clerk (RR/CC) ensured that all statutory deadlines were met and that all votes that were cast were counted accurately and on time. There are more than five million registered voters in Los Angeles County, of which approximately 40 percent of registered voters are permanent vote-by-mail voters. Elections administration is a complicated process that includes a myriad of statutory mandates and deadlines that not only impact the mailing of SB and VBM ballots, but also a number of other inputs that precede the mailing of Sample Ballots and may contribute to the timely dissemination of election materials.

An estimated two million, or 50 percent, of Sample Ballots in the County were mailed in the last two days of the statutory mailing window for the 2018 Midterm Elections. SBs are sent to registered voters to help them prepare for an election. The SB usually includes an example of the ballot, polling place details as well as other elections information relevant to the recipient, such as ballot measures and candidate statements. During the recent Midterm Elections, voters received SBs with information on a number of important races such as California Governor, 11 State measures, one County Measure and 48 local ballot measures. Given that a number of voters received their VBM prior to receiving their SB, some VBM voters who needed to vote early were unable to review their SB before voting.

The Registrar-Recorder/County Clerk is exploring multiple vendors and other efficiencies to allow for the inclusion of the SB with the VBM in a single mailing. The RR/CC indicates that even with increased efficiencies at the Department level, a legislative solution is needed to provide the statutory flexibility that is needed to help improve the SB mailing process and avoid delays to prevent voters from receiving their VBM ballots before they receive their SBs.

Conclusion

There is no existing Board-approved policy to support or sponsor legislation related to mailing dates for Vote-by-Mail ballots and Sample Ballots. Therefore, **approval of this motion is a matter of Board policy determination.**

SAH:JJ:OR
KS:sy

c: Executive Office, Board of Supervisors
County Counsel